

HOUSE BILL 1194

By Rich

AN ACT to amend Tennessee Code Annotated, Title 39,
relative to criminal penalties and procedure.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 39, Chapter 12, is amended by adding Sections 2 and 3 of this act as a new part:

SECTION 2. As used in this part, unless the context otherwise requires:

(1) "Acting in concert", as used in this section, means such conduct that would make one criminally responsible pursuant to § 39-11-401, § 39-11-402 or § 39-11-403; and

(2) "Crime of force or violence" means any of the following felony offenses:

(A) Second degree murder, as defined in § 39-13-210;

(B) Criminal attempt, first degree murder, as defined in §§ 39-12-101 and 39-13-202;

(C) Criminal attempt, second degree murder, as defined in §§ 39-12-101 and 39-13-210;

(D) Especially aggravated robbery, as defined in § 39-13-403;

(E) Aggravated robbery, as defined in § 39-13-402;

(F) Robbery, as defined in § 39-13-401; or

(G) Carjacking, as defined in § 39-13-404.

SECTION 3.

(a) A crime of force or violence committed while acting in concert with two (2) or more other persons shall be classified one (1) classification higher than if it were committed alone. A Class A felony committed while acting in concert with two (2) or

more other persons shall be classified as a Class A felony, however, the presumptive sentence shall be the maximum within the range.

(b) The indictment shall charge that the offense was committed while acting in concert with two (2) or more other persons.

SECTION 4. If any provision of this act or the application thereof to any person or circumstances held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end, the provisions of this act are declared to be severable.

SECTION 5. This act shall take effect January 1, 2010, the public welfare requiring it.